


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

 FILED  
Scott L. Poff, Clerk  
United States District Court  
By MGarcia at 8:31 am, Mar 23, 2020

QUONTERIOUS TOLES,

Plaintiff,

v.

LT. RONNIE SHUEMAKE; and SGT.  
FREDDY DAVIS,

Defendants.

CIVIL ACTION NO.: 6:18-cv-96

**ORDER AND MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the Court on a number of Motions the parties have filed: Defendants' Motion to Dismiss, doc. 35; Defendants' Motion to Stay, doc. 36; Plaintiff's Motion to Compel Discovery, doc. 38; Defendants' Motion for Extension of Time to Complete Discovery, doc. 41; Plaintiff's Motion that his Brief in Support of his Motion for Summary Judgment be Used as his Opposition to Defendants' Motion to Dismiss, doc. 42; and Plaintiff's Motion for Extension of Time to File Response to the Motion to Dismiss, doc. 43. The Court enters the following rulings:

1. I **RECOMMEND** the Court **DENY as moot** Defendants' Motion to Dismiss. Defendants' Motion is based on a mailing to Plaintiff being returned as refused, doc. 35-1 at 2. However, Plaintiff has made several filings after Defendants filed their Motion to Dismiss, demonstrating Plaintiff's desire to pursue the litigation. Docs. 38, 42, 43. Plaintiff states he is in isolation, and it is difficult to get his mailings on certain occasions, doc. 43;
2. I **DENY as moot** Defendants' Motion to Stay;

3. I **DENY as premature** Plaintiff's Motion to Compel Discovery, as Plaintiff did not comply with the requisite steps before filing his Motion, see doc. 12 at 19;

4. I **GRANT** Defendants' Motion for Extension of Time to Complete Discovery and extends discovery until May 29, 2019. The Court encourages the parties to cooperate fully in the discovery processes. In addition, the Court extends the motions deadline to June 29, 2020 and the pretrial order deadline to July 28, 2020. All other deadlines and instructions in the scheduling notice, doc. 28, remain in full force and effect;

5. I **GRANT** Plaintiff's Motion concerning his brief in support of his summary judgment motion being used as his response to Defendants' motion to dismiss; and

6. I **DENY as moot** Plaintiff's Motion for Extension of Time to respond to the motion to dismiss.

The Court **ORDERS** any party seeking to object to this Report and Recommendation to file specific written objections within 14 days of the date on which this Report and Recommendation is entered. Any objections asserting that the Magistrate Judge failed to address any contention raised in the Complaint must also be included. Failure to do so will bar any later challenge or review of the factual findings or legal conclusions of the Magistrate Judge. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140 (1985). A copy of the objections must be served upon all other parties to the action.

Upon receipt of Objections meeting the specificity requirement set out above, a United States District Judge will make a de novo determination of those portions of the report, proposed findings, or recommendation to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the Magistrate Judge. Objections not meeting the specificity requirement set out above will not be considered by a District Judge. A

party may not appeal a Magistrate Judge's report and recommendation directly to the United States Court of Appeals for the Eleventh Circuit. Appeals may be made only from a final judgment entered by or at the direction of a District Judge. The Court **DIRECTS** the Clerk of Court to serve this Report and Recommendation on the parties.

**SO ORDERED** and **REPORTED** and **RECOMMENDED**, this 23rd day of March, 2020.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', is written over a horizontal line.

BENJAMIN W. CHEESBRO  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA